REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 3-4, 6-10, 12, 14-17, and 19-20 are pending. Claims 1, 3, 4, 6, 10, 14, and 15 have been amended. No claims have been canceled or added in the current response.

35 U.S.C. § 112 Rejections

Claims 1, 3, 4, 6-10, 12, and 14-16 are rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Accordingly, claims 1 and 10 have been amended. It is respectfully submitted that claims 1 and 10 as amended are supported by the specification, such as, for example, Figure 6, paragraphs [0043]-[0044] on pp. 18-19. Claims 3, 4, 6-9, 12, and 14-16 depend, directly or indirectly, from claims 1 and 10, respectively, and are also supported by the specification. Withdrawal of the rejection is respectfully requested.

35 U.S.C. § 103(a) Rejections

Claims 1, 3, 4, 6-10, 12, and 14-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanai et al. (US 6,502,205) in view of Courts el al. (US 5,636,360). Applicants respectfully traverse the rejection.

Claim 1 as amended includes a limitation of:

> *when the first portion of the non-volatile storage device in the first storage server is full,* causing the second storage server to transfer the data access request *from the mass storage device on the second storage server* to a data container corresponding to the first storage server on the second storage server.

(Claim 1 as amended; emphasis added)

As admitted in the Office Action, Yanai fails to teach causing the second storage

server to transfer the data access request from the mass storage device on the second

storage server to a data container when the first portion of the non-volatile storage

device in the first storage server is full (Office Action, p. 4, seventh paragraph).

Moreover, the secondary reference, Courts, also fails to teach the above limitation.

According to Courts, the **content of a log buffer** is copied to a log partition

when the log buffer is full (Courts, col. 2, ln. 35-37). In other words, the content of the

log buffer is transferred to the log partition based on whether the log buffer itself is full.

In contrast, the present invention teaches that the data access request is transferred

from the mass storage device on the <u>second</u> storage server (e.g., file 202 in volume

128 on destination server 104 in Figure 6) when **the first portion of the non-volatile**

storage device in the <u>first</u> storage server (e.g., partition 206 of NVRAM 118 of source

filer 102 in Figure 6) is full. Therefore, Courts also fails to disclose the limitation of claim

1 set forth above. Furthermore, there is no indication as to the desirability of the

present invention in the cited arts.

Since no combination of Yanai and Courts teaches or suggests the above

limitation of claim 1, claim 1 is patentable over Yanai in view of Courts. Withdrawal of

the rejection is respectfully requested.

Claims 3, 4, and 6-9 depend, directly or indirectly, from claim 1. Thus, having

additional limitations, claims 3, 4, and 6-9 are patentable over Yanai in view of Courts.

Withdrawal of the rejection is respectfully requested.

For the reason discussed above with respect to claim 1, claim 10 is patentable over Yanai in view of Courts. Withdrawal of the rejection is respectfully requested.

Claims 12 and 14-16 depend, directly or indirectly, from claim 10. Thus, having additional limitations, claims 12 and 14-16 are patentable over Yanai in view of Courts. Withdrawal of the rejection is respectfully requested.

Claims 17 and 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanai et al. (US 6,502,205) in view of McMillan Jr. (US 5,587,390), and further in view of Achiwa et al. (US patent publication 2004/0153719). Applicants respectfully traverse the rejection.

Claim 17 sets forth:

receiving a data access request at a destination filer from a source filer, wherein the data access request is written to **a first memory coupled to the *source* filer**;...

(Claim 17; emphasis added)

In contrast, none of Yanai, McMillan, Achiwa, alone or in combination, teaches the above limitations.

In the Office Action, R2 log file 293 and R2 data file 294 in Yanai are analogized to be a file in which the data access request is written into (Office Action, p. 8). However, R2 log file 293 and R2 data file 294 are not in a memory coupled to the source filer. On the contrary, R2 log file 293 and R2 data file 294 are in a volume 296 in the secondary data storage system 246, which is analogized to be the destination filer as claimed in the Office Action (Office Action, p. 8, sixth paragraph).

As to McMillan, the reference discloses that a request is removed from a STI staging queue when the acknowledgement is transferred from the specified disk to the

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STI module (McMillan, col. 5, ln.35-38). Like Yanai, McMillan does not teach the limitation of claim 17 set forth above.

Regarding Achiwa, the reference discloses a data storage system having multiple storage apparatuses interconnected to each other. Achiwa does not teach the limitation of claim 17 set forth above.

Since none of Yanai, McMillan, Achiwa, alone or in combination, teaches every limitation set forth in claim 17, claim 17 is patentable over Yanai in view of McMillan and Achiwa. Withdrawal of the rejection is respectfully requested.

Claims 19-20 depend directly from claim 17. Thus, having additional limitations, claims 19-20 are patentable over Yanai in view of McMillan and Achiwa. Withdrawal of the rejection is respectfully requested.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited.

If the Examiner perceives any further obstacle to allowing the present application, he is invited to contact the undersigned at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicant hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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